



## Facsimile Transmission

12750 HIGH BLUFF DRIVE • SUITE 300 • SAN DIEGO, CALIFORNIA 92130 • (858) 314-1200  
Facsimile: (858) 314-1150  
iebritva@jonesday.com

May 24, 2005

Please hand deliver the following facsimile to:

Name/Company:	Facsimile Number:	Telephone Number:
Examiner Gakh	571-273-1257	

☐ Copies distributed Operator's initials

From: Irina E. Britva

Direct Telephone No.: 858.314.1142

JP No.: 006563

CAM No.: 371855-999099 CAM

Send copies to:

Number of pages (including this page): 5

Re: US Patent Application No. 10/657,810. Our ref 10173-104-999

NOTICE: This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at the direct telephone number noted above.

**Message: As discussed with Examiner Gakh on May 23, 2005, attached is an executed Terminal Disclaimer and the Terminal Disclaimer Fee Transmittal in connection with the above-referenced application.**

Thank you,

Irina E. Britva, Ph.D.

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

DocID

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON  
IRVINE • LONDON • LOS ANGELES • MADRID • MENLO PARK • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK  
PARIS • PITTSBURGH • SAN DIEGO • SAN FRANCISCO • SHANGHAI • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dasseux *et al.* Confirmation No.: 1151  
Serial No.: 10/657,810 Art Unit: 1743  
Filed: September 8, 2003 Examiner: Gakh, Yelena G.  
For: FOURIER TRANSFORM MASS Spectrometry of Complex  
BIOLOGICAL SAMPLES Attorney Docket No.: 10173-104-999

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Roger S. Newton represents that he holds the position of Senior Vice President of Esperion Therapeutics, Inc., the assignee of the entire right, title and interest in and to the above-identified application by virtue of an assignment of the parent to the above-identified application, Application No. 09/735,707, now U.S. Patent No. 6,680,203, which was recorded on July 10, 2001, at reel 011965 frame 0081.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,680,203 which issued on January 20, 2004, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,680,203.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,680,203 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of Esperion Therapeutics, Inc.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 23rd day of May, 2005.

Esperion Therapeutics, Inc.

By: Roger S. Newton  
Name: Roger S. Newton  
Position: Sr. Vice President

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dasseux *et al.* Confirmation No.: 1151  
Serial No.: 10/657,810 Art Unit: 1743  
Filed: September 8, 2003 Examiner: Gakh, Yelena G.  
For: FOURIER TRANSFORM MASS Attorney Docket No.: 10173-104-999  
SPECTROMETRY OF COMPLEX  
BIOLOGICAL SAMPLES

TERMINAL DISCLAIMER FEE TRANSMITTAL

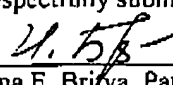
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Date: May 24, 2005

Respectfully submitted,

  
Irina E. Brieva, Patent Agent  
for Anthony M. Insogna

50,498

(Reg. No.)  
35,203

JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939